

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRY VERN FOX,

Plaintiff,

v.

HENRY RICHARDS,

Defendant.

Case No. C06-5063 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's "Appeal" [Dkt. #7] of Magistrate Judge Strombom's Order to Amend [Dkt. #6].

Having considered the entirety of the records and file herein, the Court rules as follows<sup>1</sup>:

This matter has been referred to the Magistrate Judge under 28 U.S.C. §636. Under Fed. R. Civ. P. 72(a), the non-dispositive order of a magistrate judge to whom a matter has been referred for pretrial matters may be reviewed by the district court upon the objection of a party. The court construes Mr. Fox's "appeal" in this instance to be such an objection.

Plaintiff objects to the Magistrate Judge's Order directing plaintiff to file an amended complaint. A review of plaintiff's complaint and the Magistrate Judge's Order to Amend reveals that the Magistrate Judge's Order is correct. Plaintiff's complaint is deficient because it contains an improper attempt by plaintiff to litigate

<sup>1</sup>Due to an oversight, this matter was not placed on this Court's motion calendar. The Court apologizes for any inconvenience caused the parties by the resulting delay.

1 this matter as a class action. The complaint is also deficient because it does not contain facts giving rise to any  
2 injury suffered personally by plaintiff. Therefore, plaintiff's objection is **DENIED**. Plaintiff shall file an  
3 amended complaint with a service copy and filled out marshal's service forms on or before September 5, 2006.  
4 The failure to file an amended complaint will result in the dismissal of this action. This matter is re-referred  
5 to Magistrate Judge Strombom.

6 **IT IS SO ORDERED.**

7 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
8 pro se.

9 Dated this 7<sup>th</sup> day of August, 2006.

10  
11   
12 RONALD B. LEIGHTON  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28